



Gender Dysphoria and Islamic Perspective of Gender-Related Issues

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ABSTRACT

Human beings are the noblest among all creatures. Quran discusses men & women and does not mention the word Eunuch مَحْنَثٌ but the hadith elaborates on the third gender, which is called Eunuch. Beyond the gender reality, every human has equal rights to existence and mutual respect, and it is the fundamental right of every living being to be treated well, whether they are animals or humans. The Quran clearly says that every soul is the creation of the Almighty. وَبَسْتَلُّونَكَ عَنِ الرُّوحِ. قُلِ الرُّوحُ مِنْ أَمْرِ رَبِّي وَمَا أُوتِيتُمْ مِنَ الْعِلْمِ إِلَّا قَلِيلًا. "And they ask you concerning the Ruh (the Spirit); Say: The Ruh (the Spirit) is one of the things, the knowledge of which is only with my Lord. And of knowledge, you have been given only a little". This paper is divided into Six Sections. The first part is the Introduction. The second part discusses the differences between Hermaphrodite, Intersex, and Transgender and their types. The third part will highlight Queer Sexuality and Issues of Gender Identity. The fourth section will highlight Social Structure & Psychological Issues related to Intersex and Trans bodies. The fifth section will elaborate on the Islamic point of view in light of the Quran o Sunnah, the Fatawa of Muslim Jurists & Scholars, and the Inheritance Issues. The last part will be based on Conclusions and Suggestions.

Keywords: Hermaphrodite, Intersex, Transgender, Gender Flux, Queer Sexuality, LGBT, Islamic Teachings

1. Section I: Introduction

Prophet Adam(AS) and his wife Eve[ؑ] are first pair and the beginning of human beings on this earth, Quran says,

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ
عِنْدَ اللَّهِ أَتْقَىٰكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ¹

"O humankind! We have created you from a male and a female and made you into nations and tribes so that you may know one

another. Verily, the most honorable of you with Allah is that who has At-Taqwa. Verily, Allah is All-Knowing, All-Aware".

Every soul is sacred that can not be diminished at any cost even euthanasia is not permissible in Islam because Allah is the creator who knows well why He created a soul and sent it to earth for a particular period. Allah challenges humankind in the Quran, "Can you create something from nothing.?" Even after centuries, this has not been possible. Successful cloning experiments are done, but the cells used for cloning already have life, and life exists in those cells, which multiply each other. All humans deserve equal respect and fundamental rights to live. DSM (diagnostic and statistical manual of mental disorder) first recognized transgender individuals within the category of gender identity disorder in 1980. In 2013 its name was changed, and its definition changed to Gender Dysphoria (GD)². It was categorized into multiple categories "GD in children," "GD in adults and adolescents," "Specified GD," and "Unspecified GD." In Scientific literature, everything has been categorically explained related to every queer sexuality with all terminologies. Islam sets the standards for the perception of gender identity with no room for self-perception because the Quran also mentions the Nation of Lot (قوم لوط) who sinned based on homosexual sex, which is strictly forbidden and condemned in Islam. Holy Prophet ﷺ says³, "A man should not look at the private parts of another man, and a woman should not look at the private parts of another woman."

Homosexuality is not only an abominable act in Islam but also causes major social issues. Sperm banks in western countries have been opened, and surrogate mothers are readily available, causing profound inheritance and lineage problems that cause depression and psychological disorders for the children who roam for their whole life in search of their parents. Term LGBT (lesbian, Gay, Bisexual, and Transgender) is ruining the diversity of nature, and its impacts and concussion will be discussed in detail in this paper. Undoubtedly, every human being deserves respect and has the right to enjoy the fundamental human rights, obligations, and liabilities as a living person on the bases of equity. However, balance is the core of every methodology because imbalances lead to destruction. A bill 2018 Act for the Protection of Rights of Transgenders,⁴ was presented in Pakistan. All the clauses are reasonable and based on fundamental human rights of existence except Chapter Two because Islam does not allow self-perceived gender. There are specific medical tests and scientific methods to diagnose the actual gender, even if the changes occur during puberty. When a person, either male or female, feels changes in the body or dissatisfaction with their appearance after a medical checkup, they can change their gender, and biologically their sex is changed; they are called transgender people. All this should be done legally

under strict monitoring of an expert team of doctors with explicit consent. All this will be discussed in detail in this paper step by step.

Research Question:

What are gender dysphoria and Islamic teachings related to gender dysphoria?
What Islamic teachings are related to transgender people and the fatwa of Muslim Jurists?

Methodology:

A descriptive data analysis technique will be applied to study the problem.

Section II

Difference b/w Hermaphrodite, Intersex, and Transgender

Hermaphrodite and Intersex have been widely used as synonyms, but science explains it differently because hermaphrodite can even be in plants and animals, but Intersex occurs in humans only. So the modern term used for the third gender in humans is Intersex. The transgender issue encompasses the sexual identity which does not match the sex mentioned at the time of birth. Such people, after medical testing, change their sex according to their inner feeling after operations. They feel that the assigned sex does not match their inner feelings. Hormonal changes occur among them, and after transformation, a man is called Trans-Man(TM), and a woman is called Trans-Woman(TW).

Hermaphrodite and its Types

It is an organism having both male and female reproductive systems. In simple words, we can say that during birth, a child has characteristics of male and female because he has testes, penises, and at the same time, vagina and ovaries. For understanding, many images and pictures are readily available on the internet for hermaphrodite plants, animals, and humans. There are two types of hermaphrodites' Sequential & Simultaneous'. It depends on their sexual activities because, at a time, one of the two sexes activates, and other reproductive organs become inactive. The main characteristic of hermaphrodites is that the same individual acts like a mother at one time, and at other times same individual acts like a father. Common examples of hermaphrodite flowers⁵ are roses, mangoes, tomatoes, daffodils, and lilies. They are also called bisexual flowers because they do not depend on pollinators. The causes of a plant becoming a hermaphrodite is less or too much water or lack of nutrients. That can happen at any time in the life cycle of a plant.

In animals, snails, earthworms, and clownfish are typical examples of a hermaphrodite⁶, but there is no hermaphrodite specie⁷ among birds and animals. Sporadic cases have not yet been reported, but hermaphrodite animals can

reproduce them. Hermaphroditism doubles the chances of cross-fertilization. It is not a tool for self-fertilization because they will try to mate with another specimen before self-fertilization. In the absence of it, they will self-fertilize for the survival of their species. Birds and fishes are sequential hermaphrodites; usually, insects are simultaneous hermaphrodites. When it comes to human hermaphroditism, it is called Intersex. Because in plants or animals, it is called a natural condition, whereas in humans, it is called a disorder.

Intersex and its Types

Intersex is a coined term for hermaphrodites because a human has both sex qualities but can not behave like a father at one time and a mother at the second time like plants and animals hermaphrodites. Self-fertilization does not occur in humans; it is called a physical disorder, which is why humans use the term 'intersex' rather than hermaphrodite⁸. However, the same as plants and animals, humans are born with ovarian and testicular tissues. The main difference between hermaphrodites & Intersex is that a hermaphrodite organism has both gonads, whereas an intersex organism simultaneously contains several characteristics of males and females, such as chromosomes, gonads, genitals, sex hormones, etc. While having male and female sex qualities, an individual is not viable for reproduction⁹.

Intersex disorder occurs due to chromosomal imbalances. Genotype¹⁰ is the primary genetic code in humans that represents the DNA(deoxyribonucleic acid), whereas an organism's characteristics and physical traits are known as phenotypes. Everyone in this world has different DNA, which is the basic concept of cloning. By taking the DNA of an individual, ditto copies can be created. Usually, the chromosomal genotype of the sexual phenotype in males is XY, whereas, in females, it is XX. In Intersex, genotype alters due to which sexual phenotypes also alter, which causes genital ambiguity due to which sustenance of another inside their bodies is impossible. The altered form of chromosomes is XXY, X, XXXY, XXX, divided into four categories. This condition is also called a Disorder Of Sexual Development (DSD). This disorder could of forty types of syndromes that appear after age. May an individual who looks like a girl have testes, and an individual looking like a boy could have ovaries inside that appears after several years. One example is model Hanne Gaby Odiele, who admitted she has Androgen Insensitivity Syndrome (AIS).

- i. 46, XX Intersex
- ii. 46, XY Intersex
- iii. True Gonadal Intersex
- iv. Complex or Undetermined Intersex

Over 1.7% of the human population is born Intersex, and sometimes duality in sex appears in adolescence, but intersex persons are different from Transgender, Bisexual, Lesbian, or Gay.

46, XX Intersex: This condition is called 'female pseudohermaphroditism.' When a female fetus has excessive male hormones before birth, then labia (lips or folds of female genitals) diffuse and enlarge like a penis. Such an individual has XX chromosomes and the ovaries of a woman.

46, XY Intersex: The individual with this Intersex has XY chromosomes which are chromosomes of a man, but external genitals are female, distorted in shape, or incompletely formed. This ambiguity is called 'male pseudohermaphroditism,' in which internal testes could be expected, deformed, or absent. Androgen Insensitivity Syndrome (AIS) is the common cause of 46, XY in which hormones are normal but receptors of male hormones malfunction, and there are more than 150 defects related to AIS.

True Gonadal Intersex

True Gonadal Intersex is a more critical case in which the person could have both gonads (ovotestes, or one testis and one ovary). A person may have XX, or, XY or both XXXY. This ambiguous genitalia is called 'hermaphroditism' in which the External genitalia may look like a female gonad or male gonads, and some have both penis & labia/vagina. In humans, its actual cause is unknown yet.

Complex Or Undetermined Intersex Disorders Of Sexual Development

In this disorder, there are 47 chromosomes instead of 46. One chromosome is extra, either X or Y, so this malfunctioning occurs due to 47, XXY or 47 XXX, or 45, XO (only one X chromosome). This disorder does not cause a discrepancy between external and internal genitalia, but the variation in chromosomes causes impairments in overall sexual development.

Transgender and its Types

People who are gender variants, whose gender expression and sense of gender belonging depart from cultural norms for their birth-assigned sex¹¹. At the time of birth, genitalia is not apparent, and the gender is assigned to a child according to their most appeared sex. Gradually, at puberty, it starts appearing that either individual is cisgender, intersex, or Transgender. Cisgender¹² means the gender assigned at the time of birth matches the internal sense of being male or female. Most humans are cisgender, and whose gender aligns with the sex they were assigned at birth. However, this illustration of gender assignment sometimes goes wrong in the case of Intersex. In most of these cases, the assigned gender is male, but during puberty, the individual starts having feelings for females similarly; if the assigned gender is female, the individual could feel like a male. Concepts of

"intersex" and "transgender" are easy to mingle up, and confusion occurs among people who consider both terms alike, but both terms refer to different identities. Males who have internal feelings toward females and identify themselves as female after puberty are called Male-to-Female (MtF)¹³. Females who identify as male after puberty are called female-to-Male (FtM)¹⁴. The different types of Transgender people are as under:

Nonbinary/Genderqueer

Transgender people who cannot identify as male or female are called non-binary. They are neither cisgender nor intersex. They identified themselves out of the binary gender and as the third gender, also called Bigender or Agender. They have various sexual orientations according to inner feelings.

Polygender

In a few cases, transgender persons introduce themselves in the third category that lies between man and woman or feel they are a blend of three identities called Trigender. A person may have feelings of being demi girl (identifies with both female & Agender), demi boy (partially man/ boy), Agender, or Neutrinos (neutral gender).

Pangender

People who feel they cannot be labeled as male or female in gender.

Agender

People feel neutral. They feel they do not have any gender, neither masculine nor feminine. Usually, they are considered gender-free or genderless.

Genderfluid

Gender fluidity¹⁵ fluctuates over time due to gender expressions or identity. In this case, one part of the person, one part of the gender remains static, and the other fluctuates with intensity. Such individual feels one gender at a time to a certain extent. Change may occur in expressions but not identity; change occurs in identity but not expressions. A gender-fluid person could have any sexuality that might be Heterosexual, Asexual, or Pansexual. Their romantic attractions differ. They might be Aromantic, Biromantic, or Homosexual because a person with Gender Fluid may consider himself a male one day and a girl the next day. Furthermore, he may feel neutral the next day, neither male nor female. The reason is that they do not have fixed gender. Their gender shifts alter and change over time. This situation may happen every week, after a month, every day, or even every moment called GenderFlux.

Section III: Queer Sexuality and Issues of Gender Identity

The primary difference between "transgender" and "intersex" is that Transgender refers to a Social term, whereas Intersex refers to a biological term. Intersex

people have biological experiences & characteristics, whereas transgender people experience the social process of gender change. An individual has internal feelings that the assigned gender does not suit them and does not align with the gender allocated to them at the time of birth.

Transvestite vs. Transgender vs. Transsexual

Transvestite

It is assumed that Transvestite¹⁶ is the synonym for Transgender, but both terms have different meanings. Transvestite is a person who wears clothes of the opposite gender, which is also called a cross-dresser. Their dress and actions do not match the gender assigned to them. At an early age, this desire seems dominant among them to behave like the opposite gender, but they are cisgender whose sex remains the same at the time of puberty, and no changes occur, neither are they distressed by their behavior since adulthood. Most of the Transvestite are usually men and deviate due to sexual arousal and erotic fantasies. It becomes a disorder when they generally behave in society according to assigned gender, but arousal in the context of cross-dressing occurs most of the time; that is a psychological problem and must be addressed, but only a few transvestite take medical treatments. This problem is different from "Fetishistic Disorder," and they are also called "Drag Queen."

Transgender

It is an umbrella term used for people whose "Gender Expression" differs from the gender assigned at the time of birth. All types of Transgenders¹⁷ are mentioned above. Trans means 'On the Other Side.' It can be defined as "The lack of Correspondence between Assigned Gender and Gender Identity." People have been divided into two categories

- * Who find the all-or-nothing nature. They feel that correspondence between gender and inner feeling is too constraining and impossible for them to carry.
- * Who feel that their gender expressions and inner feelings are more complex and opposite than those described/assigned gender during birth.

Either term, they feel they do not fit with the prescribed nature and cannot carry social setting norms, even though they do not have any biological problems. They are different from transvestite people because they like to clothe like the opposite gender but behave like cisgender in society. Transgender people adopt the customs, habits, norms, styles, and actions that are not typically associated with their birth sex. Very few, not all, elect to undergo medical treatment to change their bodies to make them compatible with their birth gender identity and take psychological treatments too. Few adopt the procedure of transition and take hormones & surgeries for physical changes to make their body more compatible

with their internal sex expressions and feelings¹⁸. Such people are called Trans-Man (TM) or Trans-Woman (TW). The alternative term for trans-man is Female-to-Male (FtM), and trans-woman is Male-to-Female (MtF). Most do not undergo gender transition or gender reassignment and like to live with trans or intersex people. Most Intersex and transgender people, especially in Pakistan, do not live with their families because families do not own such people for specific reasons, which will be discussed further in the paper. Types of Trans people are as under:

Transsexual

Transsexual is not an umbrella term, neither it describes the whole Transgender community. Transgender describes a person's inner feelings and gender-expressions and refers to Sexual Orientation because it is the individual's innate preference for romantic or sexual relationships with men, women, or both sexes. There are different types of Transsexual¹⁹ people;

Heterosexual

People have a sexual desire and urge for the opposite sex beyond the sex assigned to them at birth²⁰. Trans-Women attracted to men are called '*Androphilic*' (male attraction and arousal to other males), and trans-men attracted to females are called '*Gynephilic*' (Arousal of females to other females)

Homosexual

People who are attracted to people of the same sex. Instead of feeling pleased with the opposite sex, they prefer to have sex with the same gender. They are called lesbians (Female sex orientation towards females) and Gays (Males sex orientation toward males). In both cases, most people change their looks, costume, and style and make themselves comfortable according to their sexual orientation. Heterosexuals usually go for a transition or take cosmetic treatments to alter their appearances. Trans-sexual-men or Trans-sexual-women differ from assigned sex during birth. While appearing similar to a male internally, he could feel himself as a male and have sex orientation towards the opposite sex, same for females and vice versa. In the case of homosexuality, both genders are the same, and they feel attraction to the same gender without any physical change.

Bisexual

People with sexual desire feel attracted to more than one gender. They feel comfortable with both genders, either males or females²¹. These people are also called '*Ambiphilic*' and are a compound of Heterosexual and Homosexual.

Pansexual

People are attracted to all genders, including Cisgender, Non-binary, Intersex, Gender, and Transgender. They feel a strong attraction toward all genders.

Section IV: Social Structure & Psychological Issues of Intersex and Transbodies

Trans does not only mean to change the appearance, but it is the name of physical changes and social status due to which they are called Transgenders. Word 'Trans' came from English spoken in Euro-American culture and was widely spread across the globe among various cultures. Some preferred to live as cisgender, but most lived comfortably as Trans bodies. Trans and trans queer people observe that they are neither the two most common genders nor are a mixture of two genders; they become much more vulnerable to several indignities and eventually attempt to strike a balance between true-to-themselves gender expressions and effective stigma management²².

Transgender people and the LGBT community dislike transsexuality, a controversial terminology. The reason is that, historically, transsexuals' term referred to trans-bodies with psychological issues or poor mental health conditions. In medical terminology, it is considered a mental illness, but in the last few decades, it has been admitted that it is normal and human. The second reason is that trans-man or trans-woman may be identified as man or woman without transition because they might have some looks or body structure according to the trans-body. Therefore, an accepted term nowadays is someone whose gender identity is distinct and varies from their biological sex at birth is Transgender. The transgender community approved this term. Western societies are widely using this term by considering it human nature or instinct. Generally, trans means alteration or transition from one gender to another through hormonal medication and surgeries. However, the majority do not go through this problem, due to which the problems, especially in Muslim societies, have increased because Islamic teachings negate such appearances or relationships. Islamic teachings are clear about the Eunuch and transgender people. People who declare themselves Transgender without taking any medication, hormones, or surgeries are not real transgenes which are impermissible and prohibited in Islam.

Skoliosexual

Skoliosexual men are defined as 'Different Feelings for Different People. This new terminology dates back to 2010 and is mainly used in LGBTQIA communities. This term is made for the people "Who are attracted towards Non-Binary or Transgenders." They do not like Cisgenders but feel attraction for people who do not identify them solely as a man or woman. The basic interpretation of this term is the 'attraction towards the people who do not conform to gender expectations. Not necessarily all are trans-sexual because trans-men are men who were identified as female at birth, and trans-women are the women who were assigned

feminine gender. Attraction can not always be equated with sexuality; that is why they are taken as terms that are not interchangeable. Other names for Skiliosexual are 'Ceterosexual' and 'Allotroposexual'.¹²³

Structure and Issues related to Intersex and Trans-Bodies

Disorders of sex development (DSD)²⁴ are also called intersex disorders by birth, and if they are not treated on time, the patients suffer during adolescence and then adulthood. Usually, when sex characteristics and gender representation do not align with each other that genderqueer and trans people suffer in their existential societies and become more vulnerable to indignities because they face disrespect, abuse, cursing, assault, and murder. Unfortunately, intersex people suffer due to trans bodies. Intersex people genuinely suffer from body disorder and need treatment, but trans people commonly do not adopt any transition process, due to which society dislike them. This issue, in western societies, has been accepted as human nature, so they do not disown their people beyond the fact that they are trans or intersex. Most western societies have passed a bill for Gays and Lesbians who can marry each other, which is considered legal, but in Islamic countries, it is a sin because the Quran strictly negates any such type of relationship, as it is mentioned above in detail. A research study report²⁵ describes that the early age when Transgender-Women (TW) or Transgender-Men (TM) experience Gender Dysphoria (GD) for the first time was between ages 3 and 7 years. For TM mean age of the inset was 6.17 years, and for TW, it was 6.71 years. The main problem is that Intersex and trans people suffer throughout their lives because, in most cases, their own families do not accept them, or at puberty, families feel shame to own them. Their community head is called "Guru," who takes care of all such people. In several countries, especially in Pakistan, Intersex and Transgender (people with mental disorders since childhood/adolescence, exclusive those who do it by choice) people suffer a lot. They do not have ID cards or educational institutions, lack job opportunities, no particular shelters, disrespect, distress and impairment in social occupational or other areas of functioning, or misuse. They suffer through all the issues mentioned earlier in their societies, due to which they adopt indecent activities to earn or beg the people to fulfill basic needs.

Psychological Issues related to Intersex and Transbodies

The 10th edition of 'The International Classification of Disease' (ICD), published by the World Health Organization (WHO) in 2016, classified transgender identities with a code of "Transsexualism" under the section of "Gender Identity Disorder," which is a sub-section of "Disorders of adult personality and behavior." It is defined as²⁶ "A desire to live and be accepted as a member of the opposite sex, usually accompanied by a sense of discomfort with, or inappropriateness of, one's anatomic sex and a wish to have surgery and

hormonal treatment to make one's body as congruent as possible with one's preferred sex (WHO, 2016)." The question is, what are the psychological issues and the reasons behind distress? Do they endure social ostracism? Do they experience stress due to the conflict between desire and reality? Do the discrimination and prejudice in societies lead them towards marginalized individuals? What is the difference between GD childhood and GD adolescence? Research studies²⁷ have shown that children get annoyed when they observe diversity in the mindset of society and their inner feeling mismatch. After a certain period, the brave people decide to follow the transition process. during this process, they observe severe psychological traumas and social hater. All these negative feelings resulted in frustration, depression, stress, and stigmatization. In 2013, in Supreme Court of Pakistan took notice of a petition and ordered to issue of CNIC to such people. The bill for Transgender protection Rights Act 2018 is considered the best bill except for the legislation "gender by choice without any medical board checkup." This situation would lead to homosexuality because certain people may do this to fulfill their lust which is prohibited in Islam. Islam does not allow to opt the sex by choice without any disease or psychological disorder. Due to these two terms, the Shariah Court of Council has refused to pass this bill because it may open the door for homosexuality.

Section V: Islamic Teachings, Fatawa of Muslim Jurists and Scholars

In Islamic law, genders are assigned specific specified names.

Khasis/Eunuch

An individual born as a male but later on castrated against his will is also called in Arabic 'Khasis'.²⁸

Mukhans/ Mukhanath

A male who resembles a female in appearance, voice, or way of talking is called Mukhnas.²⁹

Khunthas/ Intersexes

People have male and female organs, and genitals also called Khunsa.

Khunsa Mushkil

An individual who lacks male or female genitals and urinates from both genitalia. It is difficult to discriminate against either males or females.³⁰ Narrated by Ibn Abbas³¹, Holy Prophet (ﷺ) cursed effeminate men (who assume women's manners) and women who similitude (assume the manners of men), and He said, turn them out of your houses. The Prophet (ﷺ) turned out such-and-such man, and `Umar turned out such-and-such woman .". The Quran mentions in 5:87 that do

not constitute transgression. Al-Quran 4:15-16 discusses the cases of indecency between people of any gender and prohibits homosexuality. It is mentioned in Bukhari, Authentic Traditions, Book LXII (Marriage), Chapter 6: (9) Narrated ibn Mas'ud: We used to fight alongside the Prophet(ﷺ). There were no women with us, so we said: "O Messenger of God, may we not treat some as a eunuch. He forbade us to do so." Saad bin Abi Waqas narrated³² when, "Uthman bin Mazun asked for permission to live in celibacy, Muhammad(ﷺ) strictly forbade him to do so. If he had been given permission, they would have got themselves castrated." Saeed bin Abi Msaiyab also narrated the same hadith and said that if the Prophet (ﷺ) allowed us, we would have made ourselves eunuchs. Prophet(ﷺ) disliked it and said, "he who turns away my sunnah, he has no relation with me." In the view of all Islamic schools of jurisprudence Khun Sa's obligation in prayers are same as an adult female. If gender is uncertain, then they must wear female attire³³. Bathing rituals for the deceased vary in opinion³⁴. According to Maliki, Khunsa should be bath properly; tayammum will be carried without water. According to the Shafi'i school, if a Khunsa is less than seven years old, he can have a bath; if he dies as an adult, he must be carried with Tayammum. The Hanbali school agrees to give a bath instead of Tayammum by covering it with a cloth.

Fatwas of Muslim Jurists and Scholars about Transgenders

Fatwa from Saudia Arabia³⁵

Sex change operation is prohibited and considered to be a crime under Holy Quran and the Prophet's (ﷺ) sayings. In case of complexity, eunuch/intersex needs to take treatment to treat their ambiguity.

Fatwa from Malaysia³⁶

Intersex people must take treatment for defining their sex to have a healthy life, and hormones and surgeries can treat it. Castration and change of gender by choice are strictly prohibited in Islam.

Fatwa from Egypt³⁷

Change of sex in a feminine or masculine with no physical abnormalities in his/her body is a religious doctrinal crime and is considered as the change in the Almighty's creation. Surgery must be adequately examined and assigned to the dominant gender with DSD.

Shiekh al-Tantawi Fatwa³⁸

He prohibits the change of gender as a mere wish but permits the procedure for transgender people who feel trapped in the wrong body and want to discover their real sex/gender.

Khomeini's Fatwa³⁹

In the Shia school of ijthad, Khomeini gave a fatwa in favor of transgenders. According to that, "it seems that Sex-Reassignment-Surgery(SRS) for Ftm/MtF is not forbidden(haram) in Islam. Moreover, not forbidden for Intersex to take surgery. If a Male or female finds a desire in themselves for their sex, then they can take SRS." ⁴⁰

In the light of the verses, hadith, and fatwas mentioned above, it is clear that children born Intersex can transform their bodies and pass through a transition period. The Holy Prophet(ﷺ) also such people to enter the house who do not have any desire. Castration and transition of genitalia are strictly prohibited and forbidden in Islam; they do not suffer through physical ambiguity. From the Islamic perspective, nobody can change their bodily structure at the mere wish to change their sex. God-given anatomy cannot be changed until there are some medical issues. Al-Tantawi is in favor of gender transition, and In the Shia school of the perspective imam, Khomeini also favors the transition process and says SRS is allowed because he believes that other harams that proscribed temptation or sins done without SRS are more dangerous, so it is better to have surgery or therapy to transform the bodies as per desire.

Issues of inheritance

Inheritance is the practice of passing/transfer of moveable and immovable tangibles or intangible properties and belongings from the deceased to the living heirs. The Quranic verses (4:7-8, 4:11-12, 4:32-33, 4:176, 5:176) are related to inheritance and deal with the law of inheritance. Multiple hadith is also mentioned in al-Sihah al-Sittah (the authentic six). Islam also mentions the rights of the eunuch/Intersex as verse 3:6 describe, "Allah shape up you in wombs." In hadith, it is mentioned how to determine the third gender and announce their inheritance.⁴¹ It is mentioned in the hadith that gender will be determined by the organ where the person will urinate first. According to that, the inheritance will also be assigned to that particular person. In the case of Khunsa Mushkil(Intersex), there is conflict among jurists. According to Imam Abu Hanifa and Muhammad, Intersex/ Khunsa-Mushkil will get a lesser share than males/females.⁴²

Section VI: Conclusion and Suggestions

It is necessary to understand the difference between Intersex and transgender people. As mentioned above, gender dysphoria in childhood happens at 3-7 years old that could be treated well. If changes in the body appear that do not align with the assigned gender, then after medical tests individual can pass through a transition period, but the gender by choice in adolescence or after many years of

puberty is a clear sign of homosexuality. By Considering the above facts, individuals need psychotherapeutic sessions with the main aim of providing trustworthy guidance. It is the dire need of the hour to raise the focus on the awareness of transgender issues, eliminating the discrimination in human rights by letting intersex people of the third gender.

Similarly, transgender people may seek psychological help related to issues other than gender identity. It is clear from the Quran o sunnah that every human life is sacred, and no one can deprive them of their fundamental human rights. Even inheritance is also allocated to such persons. Unfortunately, our society accommodates two genders (male/female) only. Intersex people have struggled in social, political, and legal fights for rights. Even parents do not adopt such children, especially in Pakistan, after a certain period. Due to this, they suffer a lot in every walk of life. In May 2018, the bill passed by the parliament of the national assembly (Protection of Rights, Act 2018)⁴³ provided free access to all persons to choose their own identity immaterial of their biological makeup. It allowed the self-perceived identity upon individuals' self-sense and innermost feelings. According to the bill, such people will be recognized as transgender people without any medical test or transition who can register themselves according to self-perceived gender identity. They will also enjoy all perks of altered gender. NADRA will be bound to register them according to their self-perceived gender and give them CNIC following the self-perceived identity as per Transgender. In this way, they will get a share of the inheritance according to trans-gender, which is illegal and against Islam. These terms will cause serious disputed issues among families as well. The government must arrange a core committee of doctors and psychiatrists. The specialist in listening to and treating such people and in case of serious gender disorder transition process of medication, hormones, and surgery must be carried out to assign the apparent gender for removing ambiguities so that no one could live in disguise of intersex/transgender's person without passing through the transition process. Fundamental human rights must be provided to intersex/transgender people to maintain peace and legalize their existence, which is the only way to save an Islamic society from homosexuality

Suggestions

- * Government must take positive initiatives to provide fundamental human rights for all intersex people
- * A medical board, including a psychiatrist, must be there in every society to check the gender disorder and psychological issues to provide such people with a better life.

- * Society needs to accommodate such people instead of considering them useless or irrelevant humans. Especially, educated people must take drive campaigns bi-annually to aware others about them
- * Homosexuality from an Islamic point of view is strictly prohibited, so the Islamic govt must punish such people who do not have problems but for enjoyment spend life as Transgender without taking any transition surgery or hormonal therapy.



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